

## **DIRECTOR REVIEW PROCESS**

There are two procedures that allow for a Director Appeal or Review.

### Appeal

P-8-1. An applicant or employee who is directly affected may appeal to the director for the following.

- A. An allocation of an individual position to a lower pay grade. Employees do not have the right to appeal movement of positions into or out of the Senior Executive Service.
- B. Objection to the content or conduct of an examination. A written appeal must be filed within 10 days from the date of administration of an examination component.
  - 1. Conduct refers to all activities, processes, or functions that are completed from the time the qualified applicant pool is identified to the creation of the ranked eligible list. Content refers to the subject matter of the examination. Scores and ranks are outcomes of a process and are not considered as conduct or content of an examination.

### Review

P-8-21. A request for review may be filed with the director within 10 days after receipt of notice or knowledge of the action. It must be in writing to the director and include the following: job title, department involved, name of the department representative spoken to during informal resolution attempts, the date of the conversation, the specific issue, and the reason it is believed the decision is arbitrary, capricious, or contrary to rule or law.

- A. A request may also be filed for a director's review of a general matter that affects the overall administration of the state personnel system that is not otherwise covered by this chapter (except annual total compensation survey, discretionary pay differentials, leave sharing, personal services contracts, and job evaluation system and actions). Employees in the Senior Executive Service may not file such a request. A director's decision in this type of review only is subject to a discretionary Board hearing.

After a Director's appeal or review is received by the State Personnel Board it is forwarded to the Division of Human Resources for processing. A case number is assigned to the appeal or review and the case is assigned to an investigator. The investigator is charged with reviewing all relevant information and has the authority to request additional information from either party.

The investigator will issue a recommendation and forward the case to the director, Jeffrey C. Schutt. The director reviews the entire file and the recommendation and issues a final decision. An appeal decision review pursuant to P-8-1 is subject to judicial review while a director review pursuant to P-8-21 is subject to review by the Board as a discretionary Board hearing.

The director is required to issue a decision within 90 days of receipt by the Board of the appeal or the request for a review.